

RESOLUTION NO. 2002-251

A RESOLUTION OF THE LODI CITY COUNCIL CERTIFYING THE
MITIGATED NEGATIVE DECLARATION AS ADEQUATE
ENVIRONMENTAL DOCUMENTATION FOR THE CALPEAK POWER
MIDWAY, L.L.C. LODI ELECTRICAL ENERGY FACILITY

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WHEREAS, CalPeak Power – Midway, LLC (CalPeak Power) proposes to construct and operate a nominal net 49 megawatt (MW) “simple-cycle” power plant referred to as Lodi Electric Energy Facility; and

WHEREAS, the plant will be constructed on property owned by the City of Lodi located at 1215 East Thurman Street, east of State Highway 99 on Assessor’s Parcel No. 049-250-13; and

WHEREAS, the property is approximately 8.1 acres and the plan will occupy a two-acre portion of the parcel and is located in an industrially zoned portion of the City of Lodi; and

WHEREAS, the Mitigated Negative Declaration was prepared to comply with the California Environmental Review Quality Act (CEQA) and State CEQA guidelines. The purpose of the document is to identify and address potential environmental impacts that may result from the implementation of the proposed project; and

WHEREAS, this project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; and

WHEREAS, this project has impacts that are individually limited, but not cumulatively considerable. “Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects; and

WHEREAS, this project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

WHEREAS, the City, based on the findings of the initial study, has determined that all environmental impacts that result from this project can be mitigated to a less than significant level. Mitigation measures will be adopted as a part of the Mitigation Negative Declaration package to assure that all potentially significant impacts will be mitigated.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi hereby finds as follows:

- 1) The City Council has reviewed all documentation and hereby certifies the filing of a Mitigated Negative Declaration as adequate environmental documentation for the proposed construction of a nominal net 49 megawatt (MW) "simple-cycle" power plant referred to as Lodi Electric Energy Facility.

Dated: December 10, 2002

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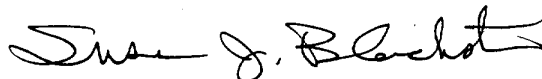
I hereby certify that Resolution No. 2002-251 was passed and adopted by the City Council of the City of Lodi in a special meeting held December 10, 2002, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk